

1 **REMARKS**

2 Amendments to the specification have been made to correct minor
3 typographical and grammatical errors.

4 The previous Office Actions dated February 27, 2003; July 31, 2003; and
5 October 30, 2003 have rejected claims based on one or more of the following
6 references:

7 U.S. Patent 6,169,994 to Lennert et al (Lennert)

8 U.S. Patent 5,359,730 to Marron (Marron)

9 In the latest Office Action dated December 24, 2003, the Office rejects
10 claims 1-31 based on one or more of the following references not previously cited:

11 U.S. Patent 5,732,275 to Kullick et al (Kullick)

12 U.S. Patent 6,442,754 to Curtis (Curtis)

13 Since Lennert and Marron are not cited in the latest Office Action,
14 arguments presented as to Lennert and Marron in responses to the prior Office
15 Actions are presumed to be persuasive.

16 Claims 1-25 are rejected under 35 U.S.C. §102(b) as being anticipated by
17 Kulick.

18 Claims 26-31 are rejected under 35 U.S.C. §103(a) as being unpatentable
19 over Kulick in view of Curtis.

20 Claims 1, 10, 17, 18, 24, 25, and 26 are currently amended.

21 Claims 1-31 remain in this application.

22
23 **Examiner Interview**

24 An Examiner Interview took place by telephone with Examiner Chameli
25 Das and Emmanuel Rivera on April 13, 2004.

1 The Office has rejected claims 1-25 under U.S.C. §102(b) as being
2 anticipated based on U.S. Patent 5,732,275 to Kullick et al (Kullick); and claims
3 26-31 under 35 U.S.C. §103(a) as being unpatentable over Kulick in view of U.S.
4 Patent 6,442,754 to Curtis (Curtis).

5 It was discussed in the Examiner Interview that the invention is particularly
6 directed to updating hardware specific program modules when new hardware
7 devices are detected. Kullick does not teach the feature of detecting hardware
8 devices, nor does Kullick suggest that the updating of application programs may be
9 performed when hardware is detected. Curtis is cited for its data structure, but
10 does not teach or suggest detecting hardware devices. Therefore the independent
11 claims will be amended to recite the feature of detecting a hardware device.

12 Examiner Das required additional searching to determine if the claims as
13 presented are allowable.
14

15 **35 U.S.C. §102(b)**

16 Claims 1-25 are rejected under 35 U.S.C. §102(b) as being anticipated by
17 U.S. Patent 5,732,275 to Kullick et al (Kullick). Applicants respectfully traverse
18 the rejection.

19 The claimed invention is directed to automatically updating the most current
20 program modules associated with a just-detected hardware device.

21 In one described implementation, a program-module updater generates a list
22 of to-be-copied program modules. These modules are associated with *detected*
23 *hardware devices*. This implementation of the updater stores a data structure for
24 each module in such a list. Each data structure includes an entry that indicates the
25

1 source location of the associated module. For example and typically, the source
2 location is the original source location for the installation of the operating system.

3 The updater implementation examines the list to identify any of the listed
4 modules have been updated and it modifies the associated data structure of each
5 updated module so that a source entry in each data structure indicates the updated
6 source for the updated module. The updater copies all modules in the list to a
7 hardware-specific program module storage location of a computer. The source of
8 each module is indicated by its associated data structure.

9 **Amended independent claim 1**, for example, recites

10 A program-module update system, a program module being a section
11 of computer-executable instructions, the system comprising:

12 a determination unit for determining whether a hardware-specific
13 program module is an updated program module, implemented in response to
14 detection of a hardware device; and

15 a source-redirection unit for specifying a source locus for a program
16 module determined to be an updated program module by the determination
17 unit.

18 In particular, claim 1 recites “a determination unit for determining whether
19 a hardware-specific program module is an updated program module, implemented
20 in response to detection of a hardware device”. Kullick does not disclose or
21 suggest detection of a hardware device, therefore the detecting step disclosed by
22 Kullick is not implemented in response to detection of a hardware device.

23 Applicants respectfully request that the §102 rejection of claim 1 be
24 withdrawn.
25

1 **Dependent claims 2-9** are allowable by virtue of their dependency on base
2 claim 1. Applicants respectfully request that the §102 rejection of claims 2-8 be
3 withdrawn.

4 **Amended independent claim 10** recites in part “a source-redirection unit
5 for specifying a source locus for a hardware-specific program module to be copied
6 to a target locus, implemented in response to detection of a hardware device”.

7 As discussed, Kullick does not disclose or suggest that a hardware device is
8 detected, and to implement a source-redirection unit in response to detection of a
9 hardware. Therefore amended claim 10 is allowable over Kullick.

10 **Dependent claims 11-16** are allowable by virtue of their dependency on
11 base claim 10. Applicants respectfully request that the §102 rejection of claims
12 11-16 be withdrawn.

13 **Amended independent claim 17** recites in part “determining whether a
14 hardware-specific program module is an updated program module implemented in
15 response to detection of a hardware device”.

16 As discussed Kullick does not disclose or suggest that a hardware device is
17 detected, and to perform the “determining” element in response to detection of a
18 hardware device, as recited by the method of claim 17. Therefore amended claim
19 17 is allowable over Kullick.

20 **Dependent claims 18-22** are allowable by virtue of their dependency on
21 base claim 22. Applicants respectfully request that the §102 rejection of claims
22 18-22 be withdrawn.

23 **Amended independent claims 23, 24, and 25** recite in part the element of
24 “detecting a hardware device”.
25

1 As discussed Kullick does not disclose or suggest that a hardware device is
2 detected. Therefore amended claims 23, 24, and 25 are allowable over Kullick.

3
4 **35 U.S.C. §103(a)**

5 Claims 26-31 are rejected under 35 U.S.C. §103(a) as being unpatentable
6 over Kullick in view of U.S. Patent 6,442,754 to Curtis (Curtis). Applicants
7 respectfully traverse the rejection.

8 **Amended independent claim 26 recites**

9 A method of updating a program module, a program module being a
10 section of computer-executable instructions, the method comprising:

11 detecting a hardware device;

12 obtaining a list of program-module data structures, each data
13 structure being associated with a hardware-specific program module and
14 identifying a source locus where the associated module is stored;

15 examining such list;

16 determining whether a program module associated with a data
17 structure is an updated program module; and

18 modifying the data structure associated with a program module
19 determined to be an updated program module by the determining so that a
20 new source locus is identified in the associated data structure.

21 Claim 26 particularly recites the element “detecting a hardware device”.
22 Kullick does not disclose or suggest detecting a hardware device. Curtis is cited
23 for its data structure associated with a program module; however, Curtis offers no
24 teaching or suggestion as to detecting a hardware device. Therefore it would not
25

1 have been obvious to combine Kullick with Curtis. The combination of Kullick
2 and Curtis fails to teach or suggest the method of claim 26.

3 Applicants respectfully request that the §103 rejection of claim 26 be
4 withdrawn.

5 **Dependent claims 27-31** are allowable by virtue of their dependency on
6 base claim 26. Applicants respectfully request that the §102 rejection of claims
7 27-31 be withdrawn.

1
2 **CONCLUSION**

3 All pending claims 1-31 are in condition for allowance. Applicant
4 respectfully requests reconsideration and prompt issuance of the subject
5 application. If any issues remain that prevent issuance of this application, the
6 Examiner is urged to contact the undersigned attorney before issuing a subsequent
7 Action.

8
9 Respectfully Submitted,

10
11 Dated: 4/23/04

By: 

Emmanuel A. Rivera
Reg. No. 45,760
(509) 324-9256 ext. 245